

Docket No. VTN-571

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Frank Molock, et al.  
Serial No. : 10/027,579  
Filed : December 20, 2001  
Title: COLORANTS FOR USE IN TINTED CONTACT LENSES AND  
METHODS FOR THEIR PRODUCTION  
Art Unit : 1732  
Examiner : Mathieu Vargot

Honorable Commissioner of Patents  
Alexandria, VA 22313

**DECLARATION UNDER 37 CFR 1.132**

I, Douglas Vanderlaan, PhD, declare as follows:

1.1 I am currently a Senior Scientist for Johnson & Johnson Vision Care, Inc. I received a Bachelor of Science in Chemistry from Calvin College, in 1979, and a Doctorate in Organic Chemistry from the Florida State University in 1984. I was a Research Fellow in the field of Organic Chemistry at the University of Michigan from 1984-1985. I was a Research Chemist at SWS Silicones from 1985-1986 and Senior Chemist at Reichhold Chemicals from 1986-1989. I have been a scientist for Johnson & Johnson Vision Care, Inc since 1989. In my tenure with Johnson & Johnson Vision Care, Inc. I have been engaged in research and study of materials for contact lenses

1.2 I reviewed the Examples of US 6,337,040 ("US '040") and tried to dissolve poly(2-hydroxyethylmethacrylate) (polyHEMA) in the solvents used in the Examples of US '040. No molecular weight was specified in US '040 for the binding polymers. The only molecular weight listed for polyHEMA in the 2000-2001 Aldrich Catalog was 300,000. A copy of page 1375 from the 2000-2001 Aldrich Catalog showing the polyHEMA entry is attached hereto.

1.3 I combined 2.0 g of poly(2-hydroxyethylmethacrylate) (300,000 M<sub>v</sub>, from Aldrich Chemicals) with 8.0 g 1-butanol and mixed for 3 hours at room temperature. The polymer showed no signs of dissolving and did not appear to be swelling.

1.4 I combined 3.0 g of poly(2-hydroxyethylmethacrylate) (300,000 M<sub>v</sub>, from Aldrich Chemicals) with 3.5 g 1-methoxy-2-propylacetate and 3.5 g cyclohexanone and mixed for 3 hours at room temperature. The polymer showed no signs of dissolving and did not appear to be swelling.

1.5 I combined 3.5 g of poly(2-hydroxyethylmethacrylate) (300,000 M<sub>v</sub>, from Aldrich Chemicals) with 3.25 g cyclohexanone and 3.25 g methyl ethyl ketone and mixed for 3 hours at room temperature. The polymer showed no signs of dissolving and did not appear to be swelling.

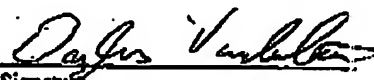
1.6 I combined 1.5 g of poly(2-hydroxyethylmethacrylate) (300,000 M<sub>v</sub>, from Aldrich Chemicals) with 8.5 g butoxy ethyl acetate and mixed for 3 hours at room temperature. The polymer showed no signs of dissolving and did not appear to be swelling.

1.7 None of the solvents used in the Examples of US '040 dissolved poly(HEMA) having a 300,000. Clearly US '040 did not appreciate the importance of molecular weight for binding polymers comprising poly(HEMA).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

Inventor's Full Name

Douglas Vanderlaan, PhD

  
Signature

July 16, 2004

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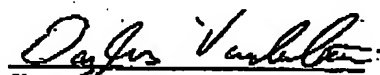
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